

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: Keith Hamner Waldrop
d/b/a Keith H. Waldrop & Associates
Debtor In Possession,

Case No. 13-33837-KRH

Chapter 11

DEBTOR'S MOTION TO SELL PROPERTY OF THE ESTATE

Keith H. Waldrop, (the Debtor) moves to sell property of the estate pursuant to 11 U.S.C. Secs. 363(b) and (f), and to pay real estate commissions, and the real estate taxes due and owing the County of Goochland with respect to the property being sold from the proceeds of the sale. In support thereof, the Debtor states:

PARTIES AND JURISDICTION

1. That the Debtor is the Debtor In Possession. No Trustee has been appointed for the case.
2. This proceeding is a core proceeding pursuant to 28 U.S.C. Sec. 157.
3. The Court has subject matter and personal jurisdiction over all parties in interest

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pursuant to 28 U.S.C. Sec. 1334.

4. Venue lies in this Court pursuant to 28 U.S.C. Sec. 1409.

5. The Debtor owns the property known as 2958 Lowry Road, Columbia, Virginia 23038 (the "Property") more particularly described as follows:

ALL that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, lying and being in the Byrd Magisterial District, Goochland County, Virginia, on the west side of State Route 615, and more particularly described as Lot 6 on a certain plat of survey entitled "Plat of Survey of 1.42 Acres LOT 6 for MAVERICK B. & SHIRLEY J. GRIFFTH, Byrd District, Goochland, Virginia," made by Michael L. Parrish & Associates, Professional Land Surveyors, on February 20, 1988, reference to which plat is hereby made for a more complete description of said property.

6. A recent CMA indicated the property has a value of \$35,000.00.

7. The property is need of substantial repairs.

8. The property constitutes property of the estate pursuant to 11 U.S.C. § 541.

9. The following liens are recorded against the Property:

A. County of Goochland delinquent real estate taxes \$4,387.58 plus interest.

B. Bank of Essex in an amount not less than \$831,752.95. as of July 16, 2013, plus additional accruing interest, late charges, attorneys' fees and costs under a Deed of Trust Dated August 12, 2008 and recorded on August 12, 2008 in the Clerk's Office of the Circuit Court of the County of Goochland as Instrument No. 080003268. (Bank of Essex has two judgment liens which have been docketed as liens on the aforesaid real estate.)

C. IRS for unpaid taxes in the total amount of \$250,946.93 as of July 16, 2013. Tax liens filed in the Clerk's Office of the Circuit Court of the County of Goochland on December 27, 2012 and June 17, 2013. The amount owed the IRS is disputed.

MOTION TO SELL

10. The Debtor seeks to sell the Property “As Is” to a third-party purchaser, James E. Hall, II for the gross purchase price of \$48,000.00 pursuant to a purchase agreement filed with the Court as Exhibit A. The Debtor has determined that the purchase price is fair and reasonable and that it is in the best interest of the estate to sell the Property.

11. Essex Bank has indicated its willingness to endorse an order authorizing the sale of the aforesaid property for \$48,000.00.

12. James E. Hall, II is not an insider of or otherwise related to the Debtor.

13. The Debtor seeks authority to take all actions necessary including executing all necessary documents to consummate the sale of the Property. In that regard, the Debtor seeks to sell the Property free and clear of all liens and interest pursuant to 11 U.S.C. Secs. 363(b) and (f), with all liens and interest in the Property attaching to the net sales proceeds.

14. In this case, the Debtor is authorized to sell Property pursuant to Section 363(f)(2) with the consent of the lien holders or in the alternative Section 363(f)(5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

15. Delinquent real estate taxes with respect to the Property to the County of Goochland and a 6% real estate commission will be paid at closing by the closing attorney. At closing the remaining liens will attach to the net sale proceeds. The net sale proceeds shall be held by Wm. C. Parkinson, Jr., Esq. in his escrow account until the entry of a Court Order that directs disbursement of the proceeds. Upon entry of an Order by the Court. To the extent necessary the Debtor will file an adversary proceeding to determine the validity, extent and priority of the remaining liens.

16. The Debtor, and the parties to the Order request that the Court waive the requirement, pursuant to Rule 6004(h) of the Federal Rules of Bankruptcy Procedure, that a 14-day stay be imposed upon entry of the Order, and, instead, that the Order be deemed final upon its entry by the Court.

WHEREFORE, the Debtor requests the Court Grant this Motion and award any further relief the Court deems proper.

Keith Hamner Waldrop

/s/ Wm. C. Parkinson, Jr.

By:

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CERTIFICATE

I hereby certify that on April 25, 2014, I mailed first class mail postage prepaid or caused to be electronically served a copy of the foregoing Motion, to the debtor(s), the U.S. Trustee and to all creditors or other parties in interest as set forth on the following service list.

/s/ Wm. C. Parkinson, Jr.

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Archie M. Gordon, Jr.
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